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State of California—Health and Human Services Agency
California Department of Public Health

DRINKING WATER FIELD OPERATIONS BRANCH

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EDMUND G. BROWN JR.
Governor

December 17, 2013

Water System No. 2300503

Ms. Sharon Sutherland
Sutherland Waterworks
P.O. Box 12
Leggett, CA 95585

CITATION NO. 02-03-13C-026-2300503-03
MONITORING AND REPORTING VIOLATION

Enclosed is a citation issued to the Sutherland Waterworks (System) public water system, for failing to perform nitrate, nitrite and secondary standards chemical monitoring. Nitrate sampling is an annual requirement for your water system. The enclosed citation is for the System failing to monitor and report results for nitrate, nitrite, and secondary standards in 2010, 2011 and 2012.

The Department highly recommends completing required monitoring and reporting for nitrate, nitrite, and secondary standards by December 31, 2013 to avoid additional enforcement action.

Your System will be billed at the Department's hourly rate (\$126.00) for staff time spent on enforcement related activities. You will receive a bill sent from our Fee Billing Unit by August 1, 2014. This bill will contain fees for any enforcement time spent on your System. If you have any questions regarding this matter, please contact Amy Little of my staff at (707) 576-2145. Also, please be aware that we will performing a full physical inspection of the water system during the 2014 calendar year.

Sincerely,

Michelle F. Frederick, P.E.
Mendocino District Engineer
Drinking Water Field Operations Branch

Enclosures

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Public Water System: Sutherland Waterworks

Water System No.: 2300503

To: Sutherland Waterworks
P.O. Box 12
Leggett, CA 95585

Issue Date: December 17, 2013

CITATION FOR NON-COMPLIANCE

Sections 64432.1 and 64449(g), Title 22, California Code of Regulations
Chemical Monitoring and Reporting Violation

Chapter 4, Article 9, Section 116650 of Part 12 of Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any regulation, standard, permit or order issued thereunder.

The Division of Drinking Water and Environmental Management of the California Department of Public Health (Department) hereby issues a citation to Sutherland Waterworks (System) for failure to comply with Title 22, California Code of Regulations (CCR) Sections 64432.1 and 64449(g).

APPLICABLE AUTHORITIES

Section 116650 of the CHSC states in relevant part:

- (a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

1
2
3 California Code of Regulations Section 64432.1(a) states in relevant part:

4 To determine compliance with the MCL for nitrate in Table 64431-A, all public
5 water systems using groundwater and transient-noncommunity systems using
6 approved surface water shall monitor annually, and all community and
7 nontransient-noncommunity systems using approved surface water shall monitor
8 quarterly.

9
10 California Code of Regulations Section 64432.1(b)(3) states in relevant part:

11 The repeat monitoring frequency for systems with an analytical result for nitrite
12 that is less than 50 percent of the MCL shall be one sample during each
13 compliance period (every three years).

14
15 California Code of Regulations Section 64449(g) states in relevant part:

16 Nontransient-noncommunity and transient-noncommunity water systems shall
17 monitor their sources or distribution system entry points representative of the
18 effluent of source treatment for bicarbonate, carbonate, and hydroxide alkalinity,
19 calcium, iron, magnesium, manganese, pH, specific conductance, sodium, and
20 total hardness at least once. In addition, nontransient-noncommunity water
21 systems shall monitor for the constituents in Tables 64449-A and B at least once.

22
23 California Code of Regulations Section 64469 states in relevant part:

24 (a) Analytical results of all sample analyses completed in a calendar month shall
25 be reported to the Department no later than the tenth day of the following month.
26
27

1 (b) Analytical results of all sample analyses completed by water wholesalers in a
2 calendar month shall be reported to retail customers and the Department no later
3 than the tenth day of the following month.

4 (c) Analytical results shall be reported to the Department electronically using the
5 Electronic Deliverable Format as defined in The Electronic Deliverable Format
6 [EDF] Version 1.2i Guidelines & Restrictions dated April 2001 and Data
7 Dictionary dated April 2001.

8 **STATEMENT OF FACTS**

9 To date, the Department has not received laboratory results for the chemical
10 constituents at the specified frequency contained in Attachment A. Specifically,
11 Sutherland Waterworks is required to monitor in accordance with Section 64432.1
12 and 64449(g) of the CCR. The last reported samples reported to the Department
13 are described in Attachment A.
14

15 **DETERMINATIONS**

16 The Department determined that Sutherland Waterworks is in violation of Title 22,
17 CCR, Sections 64432.1 and 64449(g). The System failed to perform the chemical
18 monitoring described in Attachment A. Specifically, the System failed to monitoring
19 and report nitrate during the years of 2010, 2011 and 2012 and nitrite in 2012. The
20 System never monitored or reported secondary standard constituents.
21

22 Section 64469, Title 22 of the CCR requires that analytical results of all sample
23 analyses completed in a calendar month must be reported to the Department no
24 later than the tenth day of the following month. Analytical results shall be reported to
25 the Department electronically by the laboratory.
26
27

DIRECTIVES

Sutherland Waterworks is hereby directed to take the following actions:

1. Comply with Sections 64432.1, 64449(g) and 64469 in all future monitoring periods.
2. Complete all overdue monitoring from sources and regulated constituents described in Attachment A. The analyzing laboratory must transmit the results to the Department via electronic data transfer by **February 1, 2014**.
3. Notify all persons served by the System of the source chemical monitoring violation(s) in conformance with Section 64463.4 and Section 64465, Title 22 of the CCR. Notification must be completed in accordance with each of the following:
 - a. By mail or direct delivery of the notice contained in Attachment B to each customer served directly by the water system. This notice must be delivered to each customer/service connection by **January 17, 2014**.
 - b. By posting of the notice contained in Attachment B in conspicuous locations throughout the area served by the System. This notice must be posted no later than **January 17, 2014** and shall remain posted for a minimum of seven days.
 - c. The System shall provide public notice for this violation in accordance with Section 64465(c), Title 22 of the CCR. This section requires that each public notice given pursuant to this article shall contain information in

1 Spanish regarding the importance of the notice, or contain a telephone
2 number or address where Spanish speaking residents may contact the
3 System to obtain a translated copy of the public notice or assistance in
4 Spanish. In addition, Section 64465(c) also requires for each non-English
5 speaking group that exceeds 1,000 residents or 10% of the residents in
6 the community (whichever is less), the public notice must contain
7 information in the appropriate language(s) regarding the importance of the
8 notice, or it must contain a telephone number or address where such
9 residents may contact the System to receive a translated copy of the
10 notice or to receive assistance in the appropriate language. The Spanish
11 language requirement is already included in the notice attached to this
12 citation, Attachment B.
13

- 14 4. A representative of the System shall complete the attached Certification of
15 Compliance form and return it to the Department by **January 30, 2014**. A copy
16 of the notice delivered to customers and a copy of the posted notice must be
17 attached to the Compliance Certification Form.

18 All documents required by this Citation shall be submitted to the Department at the
19 following address:
20

21 Michelle F. Frederick, P.E., District Engineer
22 Mendocino District
23 Drinking Water Field Operations Branch
24 50 D Street, Suite 200
25 Santa Rosa, CA 95404
26
27

1 The Department reserves the right to make such modifications to this Citation, as it
2 deems necessary to protect public health and safety. Such modifications may be
3 issued as amendments to this Citation and shall be effective upon issuance.

4 5 **PARTIES BOUND**

6 This Citation shall apply to and be binding upon the System, its officers, directors,
7 agents, employees, contractors, successors and assignees.

8 9 **SEVERABILITY**

10 The directives of this Citation are severable, and the System shall comply with each
11 and every provision thereof notwithstanding the effectiveness of any provision.

1 **FURTHER ENFORCEMENT ACTION**

2 Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the
3 California Health and Safety Code authorizes the Department to: issue additional
4 citations with assessment of penalties if the System continues to fail to correct a
5 violation identified in a citation; take action to suspend or revoke a permit that has
6 been issued to a public water system if the System has violated applicable laws or
7 regulations or has failed to comply with orders of the Department; and petition the
8 superior court to take various enforcement measures against a public water system
9 that has failed to comply with orders of the Department. The Department does not
10 waive any further enforcement action by issuance of this citation.

11 Michelle F. Frederick

12 Dec 17, 2013

13 Michelle F. Frederick, P.E.
14 District Engineer
15 Mendocino District

Date

16 ATTACHMENTS: Attachment A. Overdue Source Chemical Constituent List
17 Attachment B. Public Notification Template
18 Compliance Certification

19 Certified Mail No. 7012 2210 0002 1673 6222
20



25 2300503/Compliance-4
26 02-03-13C-026-2300503-03/AJL
27

Overdue Source Chemical Constituent List for Public Water System

SUTHERLAND WATERWORKS (No. 2300503)

NCWS Source: WELL 01 (PKA: DARK GULCH CREEK) (001)

64432.1 -Nitrate/Nitrite

Chemical	Sample Frequency	Last Sampled	Next Required Sample Date	Status
NITRATE (AS NO3) (71850)	Once per year	1/13/2009	January 2010	Overdue

NITRITE (N) (00620)

	Once every three years	1/13/2009	January 2012	Overdue
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64449-A & B - Secondary Standards

Chemical	Sample Frequency	Last Sampled	Next Required Sample Date	Status
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BICARBONATE (00440)

	One time sample required		December 2013	Overdue
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CALCIUM (00916)

	One time sample required		December 2013	Overdue
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CARBONATE (00445)

	One time sample required		December 2013	Overdue
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HYDROXIDE (71830)

	One time sample required		December 2013	Overdue
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IRON (01045)

	One time sample required		December 2013	Overdue
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MAGNESIUM (00927)

	One time sample required		December 2013	Overdue
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MANGANESE (01055)

	One time sample required		December 2013	Overdue
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PH (LABORATORY) (00403)

	One time sample required		December 2013	Overdue
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Citation No. 02-03-13C-026

ATTACHMENT A

Overdue Source Chemical Constituent List for Public Water System

SUTHERLAND WATERWORKS (No. 2300503)

SODIUM (00929)	One time sample required	December 2013	Overdue
TOTAL ALKALINITY (AS CaCO3) (00410)	One time sample required	December 2013	Overdue
TOTAL HARDNESS (AS CaCO3) (00900)	One time sample required	December 2013	Overdue

Attachment B

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene informacion muy importante sobre su agua potable. Traduzcalo o hable con alguien que lo entienda bien.

CHEMICAL MONITORING REQUIREMENTS NOT COMPLETED FOR SUTHERLAND WATERWORKS

BOIL WATER ORDER CONTINUES

Our water system failed to monitor for drinking water standards for nitrate, nitrite and secondary standards as required by the California Code of Regulations. The water system was required to monitor for nitrate in 2010, 2011 and 2012 and for nitrite in 2012. The water system was also required to do a one time sample for secondary standards.

Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What should I do?

If you have health concerns, you may wish to consult your doctor and contact the Department of Public Health's Drinking Water Program in Santa Rosa at (707) 576-2145. General guidelines on regulated contaminants in drinking water are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

What happened?

We are required by state regulations to monitor our drinking water for specific contaminants on a regular basis. Results of this routine monitoring are an indicator of whether or not the drinking water meets health standards. We did not test for the required chemical constituents and, therefore, cannot be sure of the quality of the drinking water.

What does this mean?

Infants below the age of six months who drink water containing nitrite in excess of the maximum contaminant level may become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blueness of the skin. Infants below the age of six months who drink water containing nitrate in excess of the maximum level allowed by the regulations may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.

Although secondary contaminants do not have related health risks, aesthetic issues such as taste, odor, and color may result in water that exceeds the maximum contaminant level for secondary standards.

The water system failed to sample for nitrate, nitrite and secondary standards, as required.

Attachment B
Page 2 of 2

What corrective actions have been taken?

Due to historical monitoring failures and inadequate technical, managerial and financial resources, the water system is currently under a boil water notice. This boil water notice will be kept in effect until such time as the water system consistently completes all required monitoring, consistently chlorinates the water, and has a certified operator making site visits at least monthly. You should be aware that bacteriological samples were collected by the System in September 2013, October 2013 and November 2013 as required. The results for these samples showed no presence of bacteriological contamination (total coliform or E. coli).

The Department of Public Health Drinking Water Program will be performing a full inspection of the water system in 2014. The results of the inspection will be sent to community members.

This notification of the public is being done in compliance with Sections 64463.4 and 64465, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact: Sharon Sutherland 707-354-0603

To all School Administrators, Rental Property Owners, and Business Property Owners:

You must provide public notification within 10 days of the receipt of this notice from **Sutherland Waterworks** [Health and Safety Code Section 116450(g)]. The notification must be provided as follows:

SCHOOLS: Must give written notification to school employees, students, and parents (if the students are minors).

RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including but not limited to apartment complexes, nursing home facilities, other care facilities): Must give written notification to tenants/patients. Must give written notification to employees (if applicable).

BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS (including but not limited to restaurants, stores, hospitals, churches, clubs, daycare facilities, offices, other businesses): Must give written notification to employees and members. Must post in conspicuous places for customers/visitors (if applicable).

PWS No. 2300503

Date distributed: _____

COMPLIANCE CERTIFICATION

Citation Number : 02-03-13C-026-2300503-03

Name of Water System: Sutherland Waterworks

System Number: 2300503

Certification

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the violations of Title 22, California Code of Regulations. In addition, I certify that Sutherland Waterworks complied with the directives of this citation as indicated below:

Required Action	Date Completed
Completed Monitoring of Constituents listed in Attachment A, as required in Directive 2	<input type="text"/>
Public Notification - Mail or Direct Delivery	<input type="text"/>
Public Notification - Posting	<input type="text"/>

Signature of Water System Representative

Date

Attach a copy of the notice posted in the community, a copy of the notice delivered to the customers, and lab results of completed sampling.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.